

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE DEPOSITION OF JIM LANCE

PIGEON, produced as a witness on behalf of the
Plaintiff in the above styled and numbered cause,
taken on the 25th day of May, 2007, in the City of
West Siloam Springs, County of Delaware, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

Exhibit 38

TULSA FREELANCE REPORTERS
918-587-2878

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1 Peterson?

2 A I think so.

3 Q All right. Is this something that Peterson
4 gave to you?

5 A Since it has Peterson Farms at the top, I 10:58AM
6 would assume, yes, it does.

7 Q Okay. Looking at the second paragraph
8 underneath the chart, it says and I'll read, houses
9 are to be decaked between every flock; do you see
10 that? 10:59AM

11 A Yes.

12 Q Is that something that you were supposed to do
13 when you worked for Peterson?

14 MR. HIXON: Object to form.

15 MR. WILLIAMS: Same objection. 10:59AM

16 A That's something that was recommended.

17 Q Did you in fact do that?

18 A I can't say with 100 percent certainty that
19 the time period I was with Peterson that I did
20 decake between every flock. 10:59AM

21 Q Generally is that what you did do, though?

22 A Generally, yes.

23 Q Would you preheat a house 48 hours in cool
24 weather and 24 hours in warm weather prior to the
25 placement of any chicks? 11:00AM